

GENERAL INFORMATION

Applicant:	Walser Real Estate LLC (Owner) Walser Toyota (User)
Location:	4401 American Boulevard West
Request:	Major revision to the preliminary and final development plan for a Class I and II motor vehicle sales facility at 4401 American Blvd. W. and a conditional use permit for a 229,634 square foot five-story replacement Class I and II motor vehicle sales/repair/service facility with administrative offices
Existing Land Use and Zoning:	Class I and II motor vehicle sales; zoned CS-0.5(PD)
Surrounding Land Use and Zoning:	North – Interstate 494, office, and hotel; zoned CS-1 and CS-1(PD) South – Single-family residential; zoned R-1 East – Restaurant; zoned CS-0.5(PD) West – Office and multiple-family residential; zoned CS-0.5 and R-4(PD)
Comprehensive Plan Designation:	Regional Commercial

HISTORY

City Council Action:	01/20/2004 – Adopted a resolution amending the Bloomington Comprehensive Plan to reflect a change in land use guide plan designation from Community Commercial to Regional Commercial at 4301 American Boulevard West (Case 8133A-03); adopted an ordinance amending the zoning map to rezone certain property located at 4301 American Boulevard West (West 80th Street) from Commercial Service CS-0.5 to Commercial Service Planned Development CS-0.5 (PD) (Case 8133B-03); approved the Preliminary Development Plan for 4301 American Boulevard West (Case 8133C-03); and adopted a resolution approving a conditional use permit to operate a Class I motor vehicle sales dealership as part of a Planned Development at 4301 and 4401 American Boulevard West (Case 8133D-03).
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City Council Action: 01/23/2006 – Adopted a resolution amending the Comprehensive Plan to reflect a change in the Land Use Guide Plan designation from Community Commercial to Regional Commercial for 4301 American Boulevard (Case 8133A-05); adopted a resolution approving a Revised Preliminary Development Plan and a Final Development Plan for a Class I and II motor vehicle sales business (dealership for new cars) at 4301 and 4401 American Boulevard (Case 8133BC-05); and adopted a resolution approving a Conditional Use Permit for a Class I and II motor vehicle sales business (Dealership for new cars) at 4301 and 4401 American Boulevard (Case 8133D-05).

City Council Action: 04/17/2006 – Approved the preliminary and final plat of PA WALSER ADDITION (Case 8133A-06).

City Council Action: 11/20/2007 – Approved a revised final development plan for an addition to an existing Class I and II motor vehicle sales (new car dealership) and related site improvements at 4401 American Boulevard (Case 8133B-07).

CHRONOLOGY

Planning Commission:	05/26/2016	Public Hearing Scheduled
City Council:	06/06/2016	Tentative Meeting Date

DEADLINE FOR AGENCY ACTION

Application Date:	04/24/2016
60 Days:	06/23/2016
120 Days:	08/22/2016
Applicable Deadline:	06/23/2016
Newspaper Notification:	Confirmed – (05/12/2016 Sun Current – 10 day notice required)
Direct Mail Notification:	Confirmed – (500 buffer – 10 day notice required)

STAFF CONTACT

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PROPOSAL

The applicant is seeking conditional use permit approval and a major revision to a preliminary and final development plan to redevelop an existing Class I and II motor vehicle sales (new and used automobiles) facility. The new two-story structure with a fully enclosed five-story attached and enclosed parking structure would be constructed to the rear of the site. The redevelopment would provide a new 229,634 square foot structure with 513 indoor and 480 surface parking spaces. An enlarged stormwater pond is proposed along the southeast corner of the building. A new access from American Boulevard is proposed on the east side of the site. The applicant intends to redevelop the site without closing its operation. Once the proposed building is completed, the existing facility would be demolished and the existing building's footprint converted to inventory parking.

More than one zoning district applies to the site. The majority of the property is zoned CS-0.5(PD), Commercial Service (Planned Development), and staff's review focused on this area. As a buffer to the residential uses to the south, the southernmost 150 feet is zoned R-1, single-family residential and is occupied by a pond and adjacent tree cover. There are no residential uses and no development proposed in this area.

ANALYSIS

Land Use

The property is guided Regional Commercial in the City's Comprehensive Plan, which specifically identifies automobile sales as an allowed land use. The CS-0.5 zoning district is intended to provide service use development near freeway interchanges and in proximity to intense land uses. Class I and II motor vehicle sales are conditionally permitted in the CS-0.5 district through the planned development process. The proposed conditional use permit and major revision to the preliminary and final development plan are consistent with the Comprehensive Plan.

Code Compliance

Table 1 identifies a partial list of City Code requirements for the CS-0.5 zoning district, what is proposed, and if the proposal meets the Code requirement. The sections that follow Table 1 provide additional detail regarding Code compliance.

Table 1: Development Performance Standards

Standard	Code Requirement	Proposed	Compliance
Minimum site area	120,000 sq. ft.	464,226 sq. ft.	Meets Code
Floor area ratio (FAR)	Maximum – 0.5	0.49	Meets Code
Minimum Site Width	200 ft.	600 ft.	Meets Code
Building setback – American Blvd.	60 ft.	~265 ft.	Meets Code
Building setback – rear	30 ft.	280 feet	Meets Code
Building setback – side	23 ft.	73 and 75 feet	Meets Code
Building height	No limit in area zoned CS-0.5	72 ft.	Meets Code
Structure lot coverage	Maximum – 30 percent	17 percent	Meets Code
Landscaping	151 trees 377 shrubs	151 trees – many existing trees Box Elders, Ash, and Cottonwood, which do not contribute towards Code requirement 378 shrubs	Revision required
Parking	Office – 1 space per 285 gfa; retail – 1 space per 180 gfa; service – 1 space per 300 square feet gfa excluding service bays plus 3 spaces per service bay	513 indoor inventory and 480 surface	Meets Code – employee and customer parking must be identified on site plan
Parking islands	Island located at end of parking bays; minimum 8 feet wide and 3 feet shorter than space served	End of parking bay islands missing in two locations; some islands do not meet 8 ft. minimum width	Revisions required

Standard	Code Requirement	Proposed	Compliance
Intermittent parking island	Intermittent parking island required when interior parking is greater than 200 ft. and perimeter parking is greater than 300 ft.	Several locations where intermittent parking island required	Revisions required
Sidewalks	Public – minimum 8 ft. in easement; private – minimum 5 feet connecting public sidewalk and building's main entrance	9 ft. public and 6 ft. private	Meets Code
Trash storage	Fully-enclosed with interior access	No trash room identified	Revision required – fully-enclosed with interior access
Parking lot and security lighting	2.0 footcandles on parking surface, 5.0 footcandles on the parking garage surface and 25 footcandles within first 35 feet of entrance, 10 footcandles at primary entrances; maximum 2.0 footcandles at side and rear property lines	Lighting along property lines and lighting uniformity exceeds maximum; lighting on south side, adjacent to residential uses, exceeds maximum; parking garage lighting plan to be reviewed	Revisions required
Outdoor speaker/PA system	Prohibited	Unknown	Staff to confirm no outdoor speaker system is installed

Building Design

The current building location is in the northwest corner of the site. The proposed building is more centrally located with parking areas between the building and American Blvd. as well as on each side. The car wash location along the south side of the structure is not ideal given the potential noise impacts. Staff would prefer the car wash be relocated along the north face of the building. However, if approved in the proposed location, staff recommends a condition of approval ensuring car wash doors are closed during operation and assurance the equipment noise rating is as quiet as possible. In addition, related to landscaping comments below, additional tree plantings are required. Staff recommends additional landscaping is provided along the south and west areas of the site to serve as a visual and noise buffer.

Building materials consist of a mix of metal panels, glass, and concrete masonry units. Metal panels *may* be permitted as primary materials, provided they are found to be acceptable following a thorough staff review. This review includes, but is not necessarily limited to, metal

panel specification, finish, durability, and warranty information. The applicant is aware of these standards. Staff must review and approve the metal panels prior to the issuance of a building permit.

Landscaping, Screening and Lighting

Landscaping and lighting improvements must take into account adjacent residential development. Multiple-family development is located to the southwest and single-family residential uses to the south. The City Code uses Developable Landscaping Area to calculate the amount of landscaping required. Developable Landscaping Area excludes natural water bodies and Significant Natural Wooded Areas (wooded areas over 5,000 sq. ft. that meet various criteria). The developable area for the subject site is 376,969 square feet, which equates to a landscaping requirement of 151 trees and 377 shrubs. While 151 trees are identified on the landscaping plan, a number of those trees are existing and not all of the 151 trees may be counted towards meeting the landscaping requirement. Existing trees that are at least 2.5 caliper inches may be used towards meeting Code requirements, except for trees prohibited in Section 18.03 of City Code. A number of the existing trees fall under the prohibited trees designation and while they do not have to be removed from the site, cannot be counted towards the 151-tree total. The applicant must revise the landscaping plan to incorporate additional trees.

There are several locations where landscaped islands are required by Code, but have not been included on the plan. Adding these islands will afford opportunities for additional landscaping. However, staff suggests clustering the additional landscaping along the west property line and south between the building and pond. Vehicle storage and display must be completely screened from all abutting residentially used sites with approved screening, such as a minimum 5-foot fully-opaque fence, berm, or evergreen trees in two staggered rows.

Section 21.301.07 establishes minimum lighting levels for parking surfaces, entrance areas, structured parking, and maximum lighting levels along property lines and areas adjacent to residential uses. As is common for auto dealerships, the lighting levels for the inventory lot far exceed Code requirements. Entrance areas require slightly higher lighting levels than proposed. The lighting along the south of the site, adjacent to the residential uses, is over 20 times required by the City Code. In addition, all lighting within 300 feet of a protected residential use is limited to a mounting height of 28 feet. The light levels along the south of the building must be reduced significantly in both pole mounting height and light levels. The lighting must be designed with occupancy sensors and all lights not essential for security must be extinguished one hour after close of business. The lighting plan requires some fine-tuning to meet Code requirements before a building permit may be issued.

Phasing

The applicant desires full operation of the facility during construction. The construction will have significant impacts on inventory storage, fire access, security and safety. The applicant must provide, and the Planning Manager must approve, a detailed phasing plan addressing all the concerns prior to the issuance of a permit.

Access, Circulation, and Parking

A second, full-access drive to American Blvd. is proposed at the east end of the site and aligned with the service facility. The applicant was requested to provide a sight distance analysis to determine if the location of the requested second access along with the curvature of American Boulevard would allow the proper sight distance as determined by American Association of State Highway and Transportation Officials (AASHTO) criteria. To date, the applicant has not submitted a sight distance analysis. The approval of a second, full-access drive to American Boulevard must be conditioned on the approval of their sight distance analysis by the City Engineer. In addition, the configuration of the requested second drive must be changed so as to not confuse the driveway to the Walser site with the bump-out for access to the lift station on American Boulevard. These comments have been provided to the applicant, however, updated plans have not been submitted for review.

All two-way drive lanes are served with 24-foot or wider aisles while the south side of the building, used for service staging and the car wash, is served by a 20-foot fire lane. The applicant proposes 480 surface stalls and 513 ramped inventory stalls. Stalls used for customer and employee parking must meet stall dimension and access requirements. Namely, stalls must be 8 feet by 18 feet with a 24-foot access drive. Inventory stalls, however, are not required by Code and do not need to meet these dimensional standards. To manage space, inventory is often “double-stacked,” which is consistent with City Code.

In response to staff’s request, and to ensure that inventory does not take the place customer and employee parking, the applicant has designated parking areas for employees, customers, and service staging. Parking stalls for customers and employees must be equal to Code-required parking for retail, warehouse, and office uses, which is 72 parking stalls. Similarly, areas designated for service staging must be equal to the Code-required parking for vehicle service, which is 146 parking stalls. Only minor revisions to designated areas are necessary to meet Code-requirements.

Stormwater Management

Stormwater must be managed to meet the City’s and Watershed District’s requirements for stormwater rate control (quantity), stormwater quality and volume.

The Stormwater Management plan calculations and narrative were submitted by the applicant the day the staff report was due to be completed. The approval of this project must be conditioned on approval of a Stormwater Management Plan meeting the requirements in the City of Bloomington Comprehensive Surface Water Management Plan. A maintenance plan has not yet been provided and will be required to be signed and filed at Hennepin County. This site is located within the Nine Mile Creek Watershed District, so an additional permit will be required.

In addition, a rainwater garden was constructed within the City right-of-way as part of a City project. The addition of a second access to the site requires a portion of the rain garden to be filled. The applicant must restore the rain garden to its original capacity elsewhere on the site.

Utilities

Existing sanitary sewer and watermain are available to serve the existing site and will continue to be available for the redevelopment.

Traffic Analysis

No significant impacts to the adjacent traffic patterns due to this building addition have been identified.

Transit and Transportation Demand Management (TDM)

This redevelopment will require a Tier 2 TDM plan, which allows the property owner to choose from a menu of TDM options. The owner has not yet submitted a Tier 2 TDM checklist.

Status of Enforcement Orders

There are no open enforcement orders for this property.

FINDINGS

Section 21.501.04(e)(1-5) - the following findings must be made prior to the approval of Conditional Use Permits:

- 1. The proposed use is not in conflict with the Comprehensive Plan;**
 - The Comprehensive Land Use Plan designates this property as Regional Commercial, which specifically allows motor vehicle sales uses.
- 2. The proposed use is not in conflict with any adopted District Plan for the area;**
 - The property is not located within an area with an adopted District Plan.
- 3. The proposed use is not in conflict with City Code provisions;**

- The proposed use meets City Code provisions subject to several plan modifications as required by the conditions of approval.
4. **The proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development; and**
- Given the size and characteristics of the proposed development, an excessive burden is not anticipated on parks, schools, streets, the sanitary sewer system, or the water system. Staff's review of final stormwater plans will ensure stormwater is appropriately managed.
5. **The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.**
- The proposed motor vehicle sales facility, once revisions are made to comply with City Code, is not expected to create excessive noise, light, odor, or other factor that would be injurious to the surrounding neighborhood.

Section 21.501.02(d)(1),(2),(3),(4),(5) and (6) - The following findings must be made prior to the approval of new preliminary development plans or revisions to previously approved preliminary development plans:

1. **The proposed development is not in conflict with the Comprehensive Plan;**
 - There is no conflict between the proposed development and the Comprehensive Plan. The Comprehensive Plan designates this property as Regional Commercial, which acknowledges automobile sales as an acceptable land use. Class one motor vehicle sales facilities are conditionally permitted through the planned development process.
2. **The proposed development is not in conflict with any adopted District Plan for the area;**
 - The property is not located in an area with an adopted District Plan.
3. **All deviations from City Code requirements are in the public interest and within the parameters allowed under the Planned Development Overlay Zoning District or have previously received variance approval;**
 - No deviations are requested for the planned development.

4. Each phase of the proposed development is of sufficient size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit without dependence upon any subsequent unit;

- Closure of the existing dealership is required concurrent with the opening of the replacement dealership. The planned development is not dependent on a subsequent unit.

5. The proposed development will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development; and

- Given the size and characteristics of the proposed development, an excessive burden is not anticipated on parks, schools, streets, the sanitary sewer system, or the water system. Staff's review of final stormwater plans will ensure stormwater is appropriately managed.

6. The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

- The proposed motor vehicle sales facility, once revisions are made to comply with City Code, is not expected to create excessive noise, light, odor, or other factor that would be injurious to the surrounding neighborhood.

Section 21.501.03(e)(1),(2),(3),(4),(5),(6) and (7) - The following findings must be made prior to the approval of new final development plans or revisions to previously approved final development plans:

1. The proposed development is not in conflict with the Comprehensive Plan;

- There is no conflict between the proposed development and the Comprehensive Plan. The Comprehensive Plan designates this property as Regional Commercial, which acknowledges automobile sales as an acceptable land use. Class one motor vehicle sales facilities are conditionally permitted through the planned development process.

2. The proposed development is not in conflict with any adopted District Plan for the area;

- The property is not located in an area with an adopted District Plan.

3. The proposed development is not in conflict with the approved Preliminary Development Plan for the site;

- The applicant has simultaneously submitted an application for a major revision to the preliminary development plan and final development plan, which are consistent with each other.
- 4. All deviations from City Code requirements are in the public interest and within the parameters allowed under the Planned Development Overlay Zoning District or have previously received variance approval;**
- No deviations are requested for the planned development.
- 5. The proposed development is of sufficient size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit without dependence upon any subsequent unit;**
- Closure of the existing dealership is required concurrent with the opening of the replacement dealership. The planned development is not dependent on a subsequent unit.
- 6. The proposed development will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development; and**
- Given the size and characteristics of the proposed development, an excessive burden is not anticipated on parks, schools, streets, the sanitary sewer system, or the water system. Staff's review of final stormwater plans will ensure stormwater is appropriately managed.
- 7. The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.**
- The proposed motor vehicle sales facility, once revisions are made to comply with City Code, is not expected to create excessive noise, light, odor, or other factor that would be injurious to the surrounding neighborhood.

RECOMMENDATION

Staff recommends the following motion:

In Case PL2016-63, having been able to make the required findings, I move to recommend the City Council adopt a resolution approving a Major revision to the preliminary and final development plan for a Class I and II motor vehicle sales facility at 4401 American Blvd. W. and a conditional use permit for a 229,634 square foot five-story replacement Class I and II motor vehicle sales/repair/service facility with administrative offices, subject to the conditions and Code requirements included in the packet.